

# STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

IN THE MATTER OF THE PETITION )  
OF NII COMMUNICATIONS, LTD. FOR A )  
CERTIFICATE OF TERRITORIAL AUTHORITY )  
TO PROVIDE FACILITIES-BASED SWITCHED )  
AND SPECIAL ACCESS LOCAL EXCHANGE )  
TELECOMMUNICATIONS SERVICES )  
THROUGHOUT THE STATE OF INDIANA, )  
FOR DECLINATION OF COMMISSION )  
JURISDICTION UNDER I.C. 8-1-2.6, FOR )  
AUTHORITY TO PROVIDE CALLER ID )  
SERVICES PURSUANT TO I.C. 8-1-2.9, AND FOR )  
CONSENT FOR USE OF PUBLIC RIGHTS OF )  
WAY PURSUANT TO I.C. 36-2-2-23 )

CAUSE NO. 42765

**FILED**

DEC 29 2004

INDIANA UTILITY  
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On December 28, 2004 pursuant to 170 I.A.C. 1-1.1-4, NII Communications ("Petitioner") filed a *Motion for Protection of Confidential, Trade Secret and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner indicates that certain information that it intends to submit in this matter contain trade secrets ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner includes the sworn *Affidavit* of Kenneth F. Melley, Jr. ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, finds there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

IT IS SO ORDERED.

Date: 12/29/04

Lorraine Hitz-Bradley  
Lorraine Hitz-Bradley, Administrative Law Judge